

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1108

Introduced by Assembly Member Fuentes

February 27, 2009

An act to amend ~~Section 739.5~~ *Sections 739.5, 2791, 2797, and 2798* of, to add the heading of Chapter 1 (commencing with Section 9500) to, and to add Chapter 2 (commencing with Section 9505) to, Division 4.8 of, and to repeal ~~Section~~ *Sections 2792, 2793, 2794, 2795, 2796, 2799, and 12821.5* of, the Public Utilities Code, relating to utility service.

LEGISLATIVE COUNSEL'S DIGEST

AB 1108, as amended, Fuentes. Electric and gas utility service: master-meter customers.

(1) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law requires that, when gas or electric service is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer charge each user at the same rate that would be applicable if the user were receiving gas or electricity directly from the gas or electrical corporation. Existing law additionally requires the electrical or gas corporation to establish uniform rates to master-meter customers at a level that will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service, except that these costs shall not exceed the average cost that the corporation would have incurred in providing comparable services directly to the users of the

service (master-meter discount). Existing law provides that every master-meter customer is responsible for the maintenance and repair of its submeter facilities beyond the master-meter.

This bill would authorize the commission, if it finds that a master-meter customer has failed to maintain or repair its submeter facilities beyond the master-meter, to order the master-meter customer to maintain or repair those facilities and would authorize the commission, in addition to the commission's authority to make or enforce orders pursuant to the Public Utilities Act, to order that moneys received as a result of the master-meter discount be held in trust to be expended for maintenance and repair of the submeter facilities. The bill would require a master-meter customer to separately bill for gas or electric service, or both, and rent. This bill would prohibit a master-meter customer from charging a user of electricity or gas any late charge for nonpayment or delayed payment of rent. The bill would require that any late charge imposed by a master-meter customer for nonpayment or delayed payment by a user for gas or electric service be in an amount that does not exceed that which the electrical or gas corporation would charge for nonpayment or delayed payment for electric or gas service.

(2) Existing law authorizes the owner of a master-metered mobilehome park or manufactured housing community that provides gas or electric service to residents to transfer ownership and operational responsibility for its gas or electric system to the gas or electrical corporation providing service in the area in which the park or community is located, pursuant to specified transfer and cost allocation procedures.

This bill would require the owner of a master-metered mobilehome park or manufactured housing community that provides gas or electric service to residents to transfer ownership and operational responsibility for its gas or electric system to the gas or electrical corporation providing service in the area in which the park or community is located. The bill would require the commission to permit the gas or electrical corporation to recover, in its revenue requirements and rates, all costs to acquire, improve, upgrade, operate, and maintain transferred mobilehome park or manufactured housing community gas or electric systems. The bill would require the commission to adopt a standard form agreement for transfer of gas and electric distribution facilities in mobilehome parks and manufactured housing communities that would be the basis for expedited approval of the transfers and would require that the contract be based on rules approved by the commission.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of an order or decision of the commission implementing its requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(2)

(3) The existing Municipal Utility District Act authorizes the formation of a municipal utility district and authorizes a district to acquire, construct, own, operate, control, or use works for supplying the inhabitants of the district and public agencies with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the collection, treatment, or disposition of garbage, sewage, or refuse matter. Existing law requires that, when light, heat, or power is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer charge each user at the same rate that would be applicable if the user were receiving service directly from a municipal utility district. Existing law additionally requires that the master-meter customer provide an itemized billing of charges for light, heat, and power to each individual user generally in accordance with the form and content of bills of the district to its residential customers. Existing law provides that every master-meter customer receiving light, heat, or power from a municipal utility district is responsible for maintenance and repair of its submeter facilities beyond the master-meter.

This bill would repeal this provision. The bill would provide that when gas or electric service is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer charge each user at the same rate that would be applicable if the user were receiving gas or electricity directly from a local publicly owned electric or gas utility. The bill would require a master-meter customer to provide an itemized billing of charges for electricity or gas to each user in accordance with the form and content of bills of the local publicly owned electric or gas utility to its residential customers. The bill would require a master-meter customer to separately bill for gas or electric service, or both, and rent. The bill would prohibit a master-meter customer from charging a user of electricity or gas any late charge for nonpayment or delayed payment of rent. The bill would require that any late charge imposed by a master-meter customer for nonpayment or delayed

payment by a user for gas or electric service be in an amount that does not exceed that which the local publicly owned electric or gas utility would charge for nonpayment or delayed payment for electric or gas service. The bill would provide that every master-meter customer receiving electric or gas service from a local publicly owned electric or gas utility is responsible for maintenance and repair of its submeter facilities beyond the master-meter. The bill would authorize the ~~Public Utilities Commission~~ *commission*, if it finds that a master-meter customer has failed to maintain or repair its submeter facilities beyond the master-meter, to order the master-meter customer to maintain or repair those facilities and would authorize the commission, in addition to the commission's authority to make or enforce orders pursuant to the Public Utilities Act, to order that moneys received as a result of a master-meter discount provided by a local publicly owned electric or gas utility be held in trust to be expended for maintenance and repair of the submeter facilities. The bill would require a local publicly owned electric or gas utility to notify each master-meter customer of these obligations. By placing additional requirements upon local publicly owned electric and gas utilities, the bill would impose a state-mandated local program.

(3)

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified ~~reason~~ *reasons*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 739.5 of the Public Utilities Code is
2 amended to read:
3 739.5. (a) (1) The commission shall require that, whenever
4 gas or electric service, or both, is provided by a master-meter
5 customer to users who are tenants of a mobilehome park, apartment
6 building, or similar residential complex, the master-meter customer
7 shall charge each user of the service at the same rate that would
8 be applicable if the user were receiving gas or electricity, or both,
9 directly from the gas or electrical corporation.

1 (2) The commission shall require the electrical or gas
2 corporation furnishing service to the master-meter customer to
3 establish uniform rates for master-meter service at a level that will
4 provide a sufficient differential to cover the reasonable average
5 costs to master-meter customers of providing submeter service,
6 except that these costs shall not exceed the average cost that the
7 corporation would have incurred in providing comparable services
8 directly to the users of the service.

9 (b) Every master-meter customer of a gas or electrical
10 corporation subject to subdivision (a) who, on or after January 1,
11 1978, receives any rebate from the corporation shall distribute to,
12 or credit to the account of, each current user served by the
13 master-meter customer that portion of the rebate which the amount
14 of gas or electricity, or both, consumed by the user during the last
15 billing period bears to the total amount furnished by the corporation
16 to the master-meter customer during that period.

17 (c) An electrical or gas corporation furnishing service to a
18 master-meter customer shall furnish to each user of the service
19 within a submetered system every public safety customer service
20 which it provides beyond the meter to its other residential
21 customers. The corporation shall furnish a list of those services to
22 the master-meter customer who shall post the list in a conspicuous
23 place accessible to all users. Every corporation shall provide these
24 public safety customer services to each user of electrical or gas
25 service under a submetered system without additional charge unless
26 the corporation has included the average cost of these services in
27 the rate differential provided to the master-meter customer on
28 January 1, 1984, in which case the commission shall deduct the
29 average cost of providing these public safety customer services
30 when approving rate differentials for master-meter customers.

31 (d) (1) Every master-meter customer is responsible for
32 maintenance and repair of its submeter facilities beyond the
33 master-meter, and nothing in this section requires an electrical or
34 gas corporation to make repairs to or perform maintenance on the
35 submeter system.

36 (2) If the commission finds that a master-meter customer has
37 failed to maintain or repair its submeter facilities beyond the
38 master-meter, the commission may order the master-meter
39 customer to maintain or repair those facilities.

1 (3) In addition to any authority granted the commission to make
2 or enforce orders pursuant to Chapter 11 (commencing with Section
3 2100), if the commission finds that a master-meter customer has
4 failed to maintain or repair its submeter facilities beyond the
5 master-meter, the commission may order that the rate differential
6 established pursuant to subdivision (a) be held in trust to be
7 expended for maintenance and repair of the submeter facilities.

8 (e) (1) Every master-meter customer shall provide an itemized
9 billing of charges for electricity or gas, or both, to each user
10 generally in accordance with the form and content of bills of the
11 corporation to its residential customers, including, but not limited
12 to, the opening and closing readings for the meter, and the
13 identification of all rates and quantities attributable to each block
14 in the applicable rate structure. The master-meter customer shall
15 also post, in a conspicuous place, the applicable prevailing
16 residential gas or electrical rate schedule, as published by the
17 corporation.

18 (2) Notwithstanding any other provision of law, a master-meter
19 customer shall separately bill each user for gas or electric service,
20 or both, and rent. A master-meter customer shall not charge a user
21 of electricity or gas any late charge for gas or electric service as a
22 result of nonpayment or delayed payment of rent. For nonpayment
23 of delayed payment of gas or electric service by a user, the
24 master-meter customer may impose a late charge up to an amount
25 that does not exceed that which the electrical or gas corporation
26 would charge for nonpayment or delayed payment for electric or
27 gas service.

28 (f) The commission shall require that every electrical and gas
29 corporation shall notify each master-meter customer of its
30 responsibilities to its users under this section.

31 (g) The commission shall accept and respond to complaints
32 concerning the requirements of this section through the consumer
33 affairs branch, in addition to any other staff that the commission
34 deems necessary to assist the complainant. In responding to the
35 complaint, the commission shall consider the role that the office
36 of the county sealer in the complainant's county of residence may
37 have in helping to resolve the complaint and, where appropriate,
38 coordinate with that office.

39 (h) Notwithstanding any other provision of law or decision of
40 the commission, the commission shall not deny eligibility for the

California Alternative Rates for Energy (CARE) program, created pursuant to Section 739.1, for a residential user of gas or electric service who is a submetered resident or tenant served by a master-meter customer on the basis that some residential units in the master-meter customer's mobilehome park, apartment building, or similar residential complex do not receive gas or electric service through a submetered system.

SEC. 2. Section 2791 of the Public Utilities Code is amended to read:

2791. (a) The owner of a master-metered mobilehome park or manufactured housing community that provides gas or electric service to residents ~~may~~ *shall* transfer ownership and operational responsibility ~~for the gas or electric system~~ to the gas or ~~electric~~ *electrical* corporation providing service in the area in which the park or community is located pursuant to this chapter, or as the park or community owner and the serving gas or ~~electric~~ *electrical* corporation mutually agree.

(b) ~~Costs, including both costs related to transfer procedures and costs related to construction, related to the transfer of ownership process, whether or not resulting in a transfer of ownership to the serving gas or electric corporation, shall not be passed through to the park or community residents. Costs related to the transfer of ownership process, whether or not resulting in a transfer of ownership to the serving gas or electric corporation, shall not be passed through to the gas or electric corporation, except as otherwise provided in this chapter.~~

(c) ~~Residents of mobilehome parks and manufactured housing communities constructed after January 1, 1997, shall be individually metered and served by gas and electric distribution facilities owned, operated, and maintained by the gas or electric corporation providing the service in the area where the new park or community is located consistent with the commission's orders regarding unbundling, aggregation, master-metering, and selection of suppliers by residential customers. Each gas and electric corporation shall cooperate with the owner of any park or community constructed after January 1, 1997, to ensure timely and expeditious installation of the gas and electric distribution system and to eliminate any delay in the design, construction, permitting, and operation of the gas and electric system in the park or community.~~

1 ~~SEC. 3. Section 2792 of the Public Utilities Code is repealed.~~

2 ~~2792. (a) Upon receipt of a written notice of intent to transfer~~
3 ~~from the mobilehome park or manufactured housing community~~
4 ~~owner, the gas or electric corporation shall within 90 days do all~~
5 ~~of the following:~~

6 ~~(1) Meet with the park or community owner to describe the~~
7 ~~procedures involved in a transfer of ownership and operation~~
8 ~~responsibility.~~

9 ~~(2) Perform a preliminary review of the gas or electric system,~~
10 ~~or both, in the park or community.~~

11 ~~(3) Inspect documentation provided by the park or community~~
12 ~~owner of the construction, operation, and condition of the gas or~~
13 ~~electric system, or both.~~

14 ~~(4) Advise the park or community owner concerning the general~~
15 ~~condition of the plant and equipment, along with a preliminary~~
16 ~~opinion concerning the extent of construction work or other activity~~
17 ~~necessary to comply with Section 2794.~~

18 ~~(5) Offer a preliminary nonbinding estimate of the cost of~~
19 ~~transfer.~~

20 ~~(6) Offer the park or community owner a preliminary nonbinding~~
21 ~~cost estimate to perform an engineering evaluation and estimate~~
22 ~~the construction work and equipment replacement to be performed~~
23 ~~by the gas or electric corporation at the owner's expense.~~

24 ~~(b) The gas or electric corporation shall develop the cost estimate~~
25 ~~for the engineering evaluation in good faith using the same~~
26 ~~methodology as is used for similar projects. The preliminary cost~~
27 ~~estimate shall be effective for a minimum of 90 days. The gas or~~
28 ~~electric corporation shall give the owner timely notice of any~~
29 ~~increase in the estimated cost of the engineering evaluation.~~

30 ~~(c) During 1997, gas and electric corporations shall make a good~~
31 ~~faith effort to respond within 90 days to the notice provided in~~
32 ~~subdivision (a).~~

33 ~~(d) The gas or electric corporation may charge a fee for the~~
34 ~~initial inspection not to exceed one hundred fifty dollars (\$150).~~

35 ~~SEC. 4. Section 2793 of the Public Utilities Code is repealed.~~

36 ~~2793. (a) Upon receipt from the park or community owner of~~
37 ~~a deposit representing the gas or electric corporation's estimated~~
38 ~~cost of the engineering evaluation, the gas or electric corporation~~
39 ~~shall, within 90 days, do all of the following:~~

1 ~~(1) Develop an engineering plan for bringing the gas or electric~~
2 ~~system to the standard described in Section 2794, incorporating~~
3 ~~all relevant documentation including plans, drawings, engineering~~
4 ~~studies, and other existing documentation provided by the park or~~
5 ~~community owner, and considering incorporation of all portions~~
6 ~~of the gas or electric system found to be used, useful, and~~
7 ~~compatible.~~

8 ~~(2) Develop an appraisal of the value to the gas or electric~~
9 ~~corporation of the physical plant and equipment found to be used,~~
10 ~~useful, and compatible that comprise the gas or electric system,~~
11 ~~or both, to be transferred, including an estimate of the remaining~~
12 ~~useful life of the gas or electric system. The value to the gas or~~
13 ~~electric corporation shall take into consideration the expenditures~~
14 ~~by the park or community owner to comply with the criteria~~
15 ~~established in Section 2794.~~

16 ~~(3) Present a proposal, in sufficient detail to serve as a bid~~
17 ~~document for the transfer of ownership of the system to the gas or~~
18 ~~electric corporation.~~

19 ~~(b) The proposal may be based on either of the following~~
20 ~~approaches or as the park or community owner and the gas or~~
21 ~~electric corporation mutually agree:~~

22 ~~(1) The park or community owner is responsible for all~~
23 ~~construction and equipment replacement activity, if any, at the~~
24 ~~park or community owner's expense less any credits or allowances,~~
25 ~~if any, including credits or allowances based on incremental~~
26 ~~increases in the gas or electric corporation's revenues associated~~
27 ~~with the park or community owner's investment in the gas or~~
28 ~~electric system. The construction and equipment replacement and~~
29 ~~the credits and allowances shall be based on the principles~~
30 ~~established in the gas or electric corporation's line and service~~
31 ~~extension rules, if applicable.~~

32 ~~(2) The gas or electric corporation shall pay the park or~~
33 ~~community owner for the appraised value to the gas or electric~~
34 ~~corporation of any gas or electric distribution facilities found to~~
35 ~~be used, useful, and compatible. If any new facilities are necessary,~~
36 ~~the park or community owner shall be responsible for the costs of~~
37 ~~the excavation, installation of substructures, conduit and meter~~
38 ~~panels, and surface repairs. Except as provided in paragraph (4)~~
39 ~~of subdivision (c), the gas or electric corporation shall be~~

1 responsible for the costs of any additional construction and
2 equipment replacement, including cabling and transformers.

3 (e) The proposal shall include the following:

4 (1) A description of construction and equipment replacement
5 activity, if any, to be accomplished at the park or community
6 owner's expense.

7 (2) Requirements for any additional provisions or rights for the
8 construction or maintenance of public utility facilities on park or
9 community premises, including easements and rights-of-way
10 acceptable to the gas or electric corporation.

11 (3) Any specific requirements or costs, or both, with respect to
12 the presence of used and useful materials or equipment that are
13 nonstandard, including, but not limited to, inventory requirements,
14 specialized equipment requirements, or specialized personnel or
15 training.

16 (4) Any specific requirements or costs, or both, with respect to
17 the presence of exceptional construction conditions or operation
18 and maintenance conditions.

19 (d) If the actual cost of the engineering evaluation is greater
20 than the gas or electric corporation estimate, the park or community
21 owner shall pay the gas or electric corporation the difference within
22 30 days of receipt of notice. If the actual cost of the engineering
23 evaluation is less than the deposit, the gas or electric corporation
24 shall pay the park or community owner the difference within 30
25 days. The content of the proposal shall become the property of the
26 park or community owner.

27 (e) Within 90 days of receipt of the proposal for transfer of
28 ownership, a park or community owner may do any of the
29 following:

30 (1) Present objections to the gas or electric corporation in writing
31 for resolution and may require mediation of the commission if the
32 parties are unable to resolve the objection.

33 (2) Decline to proceed, without prejudice to the right to present
34 a new notice at any future date.

35 (3) Accept the proposal and contract with the gas or electric
36 corporation for completion of the construction work and equipment
37 replacement, if any, or the acquisition of the gas or electric system,
38 or both.

39 (4) Accept the proposal and contract with an approved third
40 party for completion of the construction work and equipment

1 replacement, if any, in accordance with the applicable gas or
2 electric corporation applicant installation rules.

3 (f) ~~Any new facilities provided by the gas or electric corporation~~
4 ~~to extend distribution or service facilities from the existing gas or~~
5 ~~electric corporation system within the park to previously~~
6 ~~undeveloped locations shall be provided in accordance with line~~
7 ~~extension rules and service extension rules contained in gas or~~
8 ~~electric corporation tariffs filed with the commission, including~~
9 ~~any and all free extensions, allowances, and advances subject to~~
10 ~~refund.~~

11 (g) ~~Upon completion of construction work and equipment~~
12 ~~replacement, if any, receipt of appropriate inspection approval~~
13 ~~from the gas or electric corporation and authorities having~~
14 ~~jurisdiction for the inspections, and completion of all financial~~
15 ~~transactions among the parties, the park or community owner shall~~
16 ~~transfer and the gas or electric corporation shall acquire ownership~~
17 ~~and operational responsibility for the gas or electric system.~~

18 (h) ~~Upon receipt of the proposal described in paragraph (3) of~~
19 ~~subdivision (a), the park or community owner shall notify the park~~
20 ~~residents concerning the pendency of a transfer process request~~
21 ~~and the provisions of the transfer process law.~~

22 *SEC. 5. Section 2794 of the Public Utilities Code is repealed.*

23 2794. (a) ~~A gas or electric system shall be considered~~
24 ~~acceptable for transfer if it is in compliance with the following~~
25 ~~criteria:~~

26 (1) ~~It is capable of providing the end users a safe and reliable~~
27 ~~source of gas or electric service.~~

28 (2) ~~It meets the commission's general orders, is compatible,~~
29 ~~and, in the case of new construction, meets the gas or electric~~
30 ~~corporation's design and construction standards insofar as they~~
31 ~~are related to safety and reliability. The parties may waive these~~
32 ~~requirements by mutual agreement and, where necessary, with~~
33 ~~commission approval. The deviations as are agreed upon may be~~
34 ~~reflected in the purchase price.~~

35 (3) ~~It is capable of serving the customary expected load in the~~
36 ~~park or community determined in accordance with a site-specific~~
37 ~~study, studies of comparable parks or communities, industry~~
38 ~~standards, and the gas or electric corporation's rules as approved~~
39 ~~by the commission.~~

~~(b) As used in this section, “customary expected load” means the anticipated level of service demanded by the dwelling units in the park or community. The park or community owner shall not be responsible for betterments or improvements to the gas or electric corporation’s distribution system facilities or operations that do not benefit the park or community.~~

~~(c) Satisfaction of the criteria shall not require any particular system architecture or replacement of used and useful equipment, plant, or facilities, except as needed to comply with subdivision (a). Equipment, facilities, or plant that are part of the existing gas or electric system shall be considered compatible unless their presence in the system would cause substantial increase in the frequency or duration of outages in the case of failure or emergency, or they have no remaining useful life. Pursuant to subdivision (c) of Section 2793, equipment, facilities, or plant that require special training for the gas or electric corporation’s employees, or require the gas or electric corporation to maintain inventories of nonstandard equipment may be considered compatible, but their presence may be reflected in the appraised value or the cost imposed on the park or community owner.~~

SEC. 6. Section 2795 of the Public Utilities Code is repealed.

~~2795. The park or community owner and the gas or electric corporation shall develop a cost for the transfer of the gas or electric system that reflects the factors in Section 2793, indemnity and liability issues, and any other factors as the parties may mutually agree upon, and to which the gas or electric corporation’s ratepayers are indifferent. The parties may agree on a schedule for phasing in facilities to meet expected load increases and betterments, and the costs associated with those activities.~~

SEC. 7. Section 2796 of the Public Utilities Code is repealed.

~~2796. (a) During the pendency of a transfer request, the owner of the park or community shall be responsible for the continued maintenance to preserve the integrity of the park or community gas or electric system and safe and reliable operation of the park or community system in accordance with applicable laws.~~

~~(b) During the pendency of a transfer request the owner of the park or community shall be liable for injury and damage resulting from operation of the submetered gas and electric system. After transfer the gas or electric corporation shall assume responsibility for operation of the gas or electric system and provision of service~~

1 ~~to residents of the park or community and shall assume liability~~
2 ~~for any future injury or damage resulting from operation of the~~
3 ~~gas or electric system except with respect to defects known to the~~
4 ~~park or community owner and not disclosed to the gas or electric~~
5 ~~corporation during the transfer of ownership process.~~

6 *SEC. 8. Section 2797 of the Public Utilities Code is amended*
7 *to read:*

8 2797. The commission shall permit the gas or ~~electric~~ *electrical*
9 corporation to recover in its revenue requirement and rates all costs
10 to acquire, improve, upgrade, operate, and maintain transferred
11 mobilehome park or manufactured housing community gas or
12 electric systems.

13 *SEC. 9. Section 2798 of the Public Utilities Code is amended*
14 *to read:*

15 2798. The commission shall adopt a standard form of agreement
16 for transfer of gas and electric distribution facilities in mobilehome
17 parks and manufactured housing communities that shall be the
18 basis for expedited approval of the transfers. The contract shall be
19 ~~based on this chapter, the regulations of the commission, and on~~
20 ~~gas or electric corporation rules and regulations, as approved by~~
21 ~~the commission.~~

22 *SEC. 10. Section 2799 of the Public Utilities Code is repealed.*

23 ~~2799. (a) The mobilehome park or manufactured housing~~
24 ~~community owner may, by written notice, stop the transfer process~~
25 ~~at any time. Within 60 days of delivery to the park or community~~
26 ~~owner of an itemized bill, the owner shall reimburse the gas or~~
27 ~~electric corporation for all costs incurred through the date notice~~
28 ~~is provided.~~

29 ~~(b) At any time during the transfer of ownership process, either~~
30 ~~party may apply to the commission for informal mediation and~~
31 ~~resolution of any issue, finding, determination, or delay in the~~
32 ~~conversion process.~~

33 ~~(c) If the initiation of the transfer process does not result in a~~
34 ~~transfer of the park or community owner's gas or electric system~~
35 ~~to the gas or electric corporation, all information, data, reports,~~
36 ~~studies, and proposals shall be retained by the gas or electric~~
37 ~~corporation for a period of five years or offered to the park or~~
38 ~~community owner. Prior to disposal of the records, the gas or~~
39 ~~electric corporation shall offer them to the park or community~~
40 ~~owner, except that the gas or electric corporation shall not be~~

1 ~~required to provide proprietary information to the park or~~
2 ~~community owner.~~

3 ~~SEC. 2.~~

4 *SEC. 11.* The heading of Chapter 1 (commencing with Section
5 9500) is added to Division 4.8 of the Public Utilities Code, to read:

6
7 CHAPTER 1. WEATHERIZATION SERVICES

8
9 ~~SEC. 3.~~

10 *SEC. 12.* Chapter 2 (commencing with Section 9505) is added
11 to Division 4.8 of the Public Utilities Code, to read:

12
13 CHAPTER 2. MASTER-METER CUSTOMERS

14
15 9505. (a) (1) Whenever gas or electric service, or both, is
16 provided by a master-meter customer to users who are tenants of
17 a mobilehome park, apartment building, or similar residential
18 complex, the master-meter customer shall charge each user of the
19 service at the same rate that would be applicable if the user were
20 receiving gas or electricity, or both, directly from a local publicly
21 owned electric or gas utility.

22 (2) Notwithstanding any other provision of law, a master-meter
23 customer shall separately bill each user for gas or electricity
24 service, or both, and rent. A master-meter customer shall not charge
25 a user of electricity or gas any late charge for gas or electric service
26 as a result of nonpayment or delayed payment of rent. For
27 nonpayment or delayed payment of gas or electric service by a
28 user, the master-meter customer may impose a late charge up to
29 an amount that does not exceed that which the local publicly owned
30 electric or gas utility would charge for nonpayment or delayed
31 payment for electric or gas service.

32 (b) Every master-meter customer of a gas or electrical
33 corporation subject to subdivision (a) who receives any rebate
34 from the local publicly owned electric or gas utility shall distribute
35 to, or credit to the account of, each current user served by the
36 master-meter customer that portion of the rebate which the amount
37 of gas or electricity, or both, consumed by the user during the last
38 billing period bears to the total amount furnished by the utility to
39 the master-meter customer during that period.

1 (c) (1) Every master-meter customer is responsible for
2 maintenance and repair of its submeter facilities beyond the
3 master-meter, and nothing in this section requires a local publicly
4 owned electric or gas utility to make repairs to or perform
5 maintenance on the submeter system. For purposes of this
6 subdivision only, a master-meter customer of a local publicly
7 owned electric or gas utility is subject to the jurisdiction of the
8 commission.

9 (2) If the commission finds that a master-meter customer has
10 failed to maintain or repair its submeter facilities beyond the
11 master-meter, the commission may order the master-meter
12 customer to maintain or repair those facilities.

13 (3) In addition to any authority granted the commission to make
14 or enforce orders pursuant to Chapter 11 (commencing with Section
15 2100), if the commission finds that a master-meter customer has
16 failed to maintain or repair its submeter facilities beyond the
17 master-meter, the commission may order that any master-meter
18 discount provided to the master-meter customer by a local publicly
19 owned electric or gas utility be held in trust to be expended for
20 maintenance and repair of the submeter facilities.

21 (d) Every master-meter customer shall provide an itemized
22 billing of charges for electricity or gas, or both, to each user
23 generally in accordance with the form and content of bills of the
24 local publicly owned electric or gas utility to its residential
25 customers, including the opening and closing readings for the
26 meter, and the identification of all rates and quantities attributable
27 to each block in the applicable rate structure. The master-meter
28 customer shall also post, in a conspicuous place, the applicable
29 prevailing residential gas or electrical rate schedule, as published
30 by the utility.

31 (e) A local publicly owned electric or gas utility shall notify
32 each master-meter customer of its responsibilities to its users under
33 this section.

34 (f) The commission shall accept and respond to complaints of
35 users of a master-meter customer concerning the requirements of
36 subdivision (c) through the consumer affairs branch, in addition
37 to any other staff that the commission deems necessary to assist
38 the complainant. In responding to the complaint, the commission
39 shall consider the role that the office of the county sealer in the

1 complainant's county of residence may have in helping to resolve
2 the complaint and, where appropriate, coordinate with that office.

3 ~~SEC. 4.~~

4 ~~SEC. 13.~~ Section 12821.5 of the Public Utilities Code is
5 repealed.

6 ~~SEC. 5.~~

7 ~~SEC. 14.~~ No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 ~~the only~~ certain costs that may be incurred by a local agency or
10 school district will be incurred because this act creates a new crime
11 or infraction, eliminates a crime or infraction, or changes the
12 penalty for a crime or infraction, within the meaning of Section
13 17556 of the Government Code, or changes the definition of a
14 crime within the meaning of Section 6 of Article XIII B of the
15 California Constitution.

16 *With respect to certain other costs, no reimbursement is required*
17 *by this act pursuant to Section 6 of Article XIII B of the California*
18 *Constitution because a local agency or school district has the*
19 *authority to levy service charges, fees, or assessments sufficient*
20 *to pay for the program or level of service mandated by this act,*
21 *within the meaning of Section 17556 of the Government Code.*